

Jane Elizabeth TATESON
Serial No. 10/585,890
March 7, 2011

REMARKS/ARGUMENTS

Reconsideration of this application is respectfully requested. Currently claims 1-20 are pending in this application.

REQUEST TO ACKNOWLEDGE ACCEPTANCE OF DRAWINGS:

Applicant submitted four (4) sheets of annotated drawings illustrating Figs. 1-4 in the Amendment filed January 16, 2009. Applicant requests that the next Office Action acknowledge receipt and acceptance of these drawing sheets.

REJECTIONS UNDER 35 U.S.C. §102 AND 103:

Claims 1-2, 4-11 and 13-17 were rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Carlson (U.S. '912). Claims 3, 12 and 18-20 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Carlson. Applicant traverses these rejections.

Anticipation under Section 102 of the Patent Act requires that a prior art reference disclose every claim element of the claimed invention. See, e.g., *Orthokinetics, Inc. v. Safety Travel Chairs, Inc.*, 806 F.2d 1565, 1574 (Fed. Cir. 1986). Carlson fails to disclose every claim element of the claimed invention. For example, Carlson fails to disclose "adjusting the periodicity of measurement according to the values the sensor device has measured and the measured values received from the devices similar to said sensor device," as required by independent claim 1 and its dependents. As another example, Carlson fails to disclose "adjusting the periodicity of

Jane Elizabeth TATESON
Serial No. 10/585,890
March 7, 2011

measurement of each device according to the values it has measured and the values it has received from the one or more other devices," as required by independent claim 10 and its dependents.

Page 2 of the Office Action alleges that paragraphs [0046]-[0047] of Carlson disclose the above-noted claim limitations. Applicant disagrees with this allegation.

Paragraphs [0046]-[0047] of Carlson state the following:

[0046] The GPDR mechanism 240 also includes a depth count facility 360 that is coupled to last node comparator 340 for performing processing on the message related to depth count. Depth count processing involves comparing the depth count in the current message with a predetermined maximum depth count value. As described in greater detail hereinafter, the maximum depth count value can be programmed and updated by a user or automatically set and revise based on certain network conditions. When the current depth count is in a predetermined relationship with the maximum depth count, the message is sent to the re-transmission unit 350 for re-transmission. When the current depth count is not in a predetermined relationship with the maximum depth count, the message is sent to the discard facility 320 for disposal.

[0047] The depth count facility 360 includes a user-programmable depth count adjustment unit 364 for allowing a user to set parameters, such a maximum depth count. The depth count facility 360 also includes an automatic depth count adjustment facility 368 for dynamically adjusting the maximum depth count based on one or more network operating parameters (e.g., a time out error for a previously sent message, density of nodes in the local area, etc.).

Paragraphs [0046]-[0047] of Carlson thus disclose a depth count, which is the number of hops or branches that a message has taken. The depth count in the current

Jane Elizabeth TATESON
Serial No. 10/585,890
March 7, 2011

message is compared with a maximum depth count value (i.e., a threshold). The message is re-transmitted or discarded based on the comparison.

Nothing in paragraphs [0046]-[0047] (or any other portion of Carlson) discloses periodicity of measurement at all, let alone adjusting the periodicity of measurement according to the measured values of a sensor device and received measured values from similar devices. If the Examiner maintains the current 35 U.S.C. §102 rejection over Carlson, Applicant requests that the Examiner specifically describe what portion(s) of paragraphs [0046]-[0047] disclose “adjusting the periodicity of measurement according to the values the sensor device has measured and the measured values received from the devices similar to said sensor device” as claimed.

With respect to the depth count (described in paragraphs [0046]-[0047]), Carlson fails to disclose that it would be measured periodically. Messages will arrive when neighbouring nodes choose to transmit them, which will not in general be at regular intervals. The payload in an individual message is not going to change, so each message needs to be read once, on arrival. Similarly, the depth count is determined by the route the message has taken through the network, and is not going to change while the message is buffered at any individual node. A fixed periodicity will result in some messages being read more than once, and/or others being not read at all (because two or more arrive in one period).

Carlson therefore fails to disclose “periodically generating a measured value of a property.” In particular, Carlson makes no mention of how often it measures its

Jane Elizabeth TATESON
Serial No. 10/585,890
March 7, 2011

properties (such as depth count). Carlson therefore clearly fails to disclose adjusting the periodicity of measurement – as claimed.

Carlson also fails to disclose “determining the rate of change in the measured property.” For example, the rate of change of Carlson’s depth count, described in paragraphs [0046]-[0047], is not determined.

Accordingly, Applicant respectfully requests that the above noted rejections under 35 U.S.C. §102 and 103 be withdrawn.

CONCLUSION:

Applicant believes that this entire application is in condition for allowance and respectfully requests a notice to this effect. If the Examiner has any questions or believes that an interview would further prosecution of this application, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: /Raymond Y. Mah/
Raymond Y. Mah
Reg. No. 41,426

RYM:dmw
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4044
Facsimile: (703) 816-4100